

REMARKS

Applicant requests favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Claims 47-49 are presented for consideration in lieu of claims 1, 2, 7-23, 28-33, 37, 38, 40, 41, and 43-46, which have been canceled without prejudice or disclaimer. Support for these claims can be found in the original application, as filed. For example, support for the features recited in independent claim 47 may be found in the published specification at paragraph [0126] regarding initializing a media file 200 and an associated index file 205, paragraph [0152] regarding determining whether the video track 213 is configured to accept the current sample, paragraph [0153] regarding configuring the track 213 according to the frame format and resolution properties of the current frame and adding the frame to the media file, paragraph [0116] regarding a CNVD chunk containing additional information, which can be used to recover the media file 200, paragraph [0187] regarding tracks being added to the newly created index file, paragraph [0194] regarding determining the nature (that is, video or text) of the samples, paragraph [0189] regarding the current time for all tracks of the newly created index file being set to the value of the time stamp, paragraph [0195] regarding the sample list being resized to contain the chunk and continually resized until a sample is encountered that does not belong inside the sample list, and paragraph [0190] regarding the current time for the selected track being advanced by a default sample duration corresponding to the associated track, as well as in FIGS. 11, 20 and 21, of the subject application. Accordingly, no new matter has been added.

Applicant requests favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action.

Claims 40 and 41 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner asserted that since the type of media is not clearly defined, that the invention is directed to a form of energy, and that energy is not one of the four categories of invention and does not define a process or apparatus that can be accomplished or made. The Examiner, however, suggests that claim 40, for example, be amended to recite “A computer product comprising a computer readable storage medium.” Claims 40 and 41 having been canceled, this rejection has become moot and should be withdrawn. Nevertheless, the Examiner’s comments were taken into consideration when presenting new claims 47-49.

Turning now to the art rejections, claims 1, 2, 7-10, 12-15, 17, 18, 22, 23, 28-31, 33, 37, 38, 40, 41, and 43-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,993, 246 to Pan et al. in view of U.S. Patent No. 6,470,359 to Lyle, in view of U.S. Patent No. 6,035,341 to Nunally et al., and further in view of U.S. Patent Application Publication No. 2003/0018581 to Bratton et al. Claims 11, 16, 19 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Pan et al. patent in view of the Lyle patent, in view of the Nunally et al. patent, and further in view of U.S. Patent No. 6,065,010 to Otsuka et al. Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Pan et al. patent in view of the Lyle patent, in view of the Nunally et al. patent, and further in view of U.S. Patent No. 6,654,933 to Abbott et al. Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Pan et al. patent in view of the Lyle patent, in view of the Nunally et al. patent, and further in view of U.S. Patent No. 6,665,835 to Gutfreund et al. Applicant submits that the cited art, whether taken individually or in combination, does not teach or suggest many features of the present invention, as previously recited in these claims. Therefore, these rejections are

respectfully traversed. Nevertheless, Applicant submits that independent claims 47-49, as presented, for example, amplify the distinctions between the present invention and the cited art.

In one aspect of the present invention, independent claim 47 recites a method of generating a media file for display on a display device. The method includes the steps of (a) initializing the media file and an associated index file, the associated index file referencing the media file, and (b) inserting a plurality of video frames from a camera into the media file. The inserting step includes the steps of (i) determining if the media file is configured to accept the plurality of video frames, and (ii) configuring the media file, based on the determination step, such that the plurality of video frames is accepted by the media file. The method further includes the steps of (c) appending a text string having at least a time stamp of the inserting step to the plurality of video frames, to thereby generate the media file, the text string being adapted for reconstructing the associated index file upon corruption of the associated index file, wherein the reconstructed index file replaces the associated index file, wherein upon the media file and the associated index file being damaged, performing the following steps of (d) adding at least one track to the reconstructed index file, (e) determining if a portion of the media file in the damaged media file is the text string or the plurality of video frames, (f) if the portion of the media file is the text string, setting a current time of the track of the reconstructed index file to a time stamp of the text string, (g) if the portion of the media file is the plurality of video frames, executing the sub-steps of (i) resizing the media file to contain the plurality of video frames, and (ii) advancing the current time of the track of the reconstructed index file by a default duration associated with the track, (h) repeating steps (d) to (g) until a portion of the media file that does not belong to the media file is encountered, and (i) replacing the associated index file with the reconstructed index file that references at least one portion of the media file.

In another aspect of the present invention, independent claim 48 recites an apparatus for generating a media file for display on a display device. This apparatus claim has been patterned after method claim 47 and, structurally, recites similar features.

In still another aspect of the present invention, independent claim 49 recites a computer readable storage device having recorded thereon a computer program for generating a media file for display on a display device. The computer program includes code for effecting steps along the lines recited in corresponding method claim 47.

Applicant submits that the cited art, whether taken individually or in combination, does not teach or suggest such features of Applicant's present invention, as recited in independent claims 47-49.

As discussed in Applicant's prior Amendment filed on February 13, 2009, the Pan et al. patent discusses a method and a system for correlating data streams in which events in a first data stream are correlated with events in a second data stream based on a method of indexing. According to that patent, as information of a first and second data stream are stored to a data file, the data streams are monitored for certain trigger events. An informational data set is then generated and stored in an index file for each detected trigger event.

Regarding prior independent claim 1, the Office Action asserted that the Pan et al. patent teaches storing data as one or more data samples in one or more media files configured for use by a media player application in playing the data samples, and storing, in an index file associated with one or more of the media files, at least an offset value for each of the data samples representing a location. Applicant submits, however, that the Pan et al. patent does not teach or suggest salient features of Applicant's present invention, as now recited in independent claim 47. In particular, that patent does not teach or suggest the determinations of Applicant's present

invention performed in the method in independent claim 47, or the repeating of certain steps and replacing an associated index file with a reconstructed index file that references at least one portion of a media file, in the manner of Applicant's present invention, as recited in that claim. Likewise, the Pan et al. patent does not teach or suggest the corresponding structure, as recited in independent claim 48, or the code for performing the steps of Applicant's present invention, as recited in independent claim 49.

In addition, the Office Action, on page 7, acknowledges that the Pan et al. patent does not teach that additional non-standard information of a media file is used in reconstructing an index file comprising offset values representing the location of each of the data samples in the media files, wherein the reconstructed index file replaces the index file associated the one or more media files. To compensate for this deficiency, the Office Action refers to the Lyle patent. Applicant submits, however, that the Lyle patent, as with the Pan et al. patent, does not teach or suggest salient features of Applicant's present invention, as recited in independent claims 47-49, which have been discussed above. Rather, the only additional information disclosed to be stored in the device in the Lyle patent is information taught to be stored separately from the LOBs (that is, the media file as suggested by the Examiner). This is discussed in more detail in the Lyle patent at column 4, line 63, to column 5, line 38.

Still further, as seen in FIG. 2 of the Lyle patent, the LOB pages 212 and the space map pages 218 are separate. The Lyle patent teaches that the additional information is in the form of "key 214, which indicates the first LOB map page." See the Lyle patent at column 5, lines 26-30. The LOB values are stored in a LOB table space 206, which is completely separate from the base table space 200, in which the base table 202 is defined. See the Lyle patent at column 5, lines 17-19. The keys 214 are stored in an auxiliary index. As seen in FIG. 2 of the Lyle patent,

the auxiliary index is stored in the index base 216. The LOBs, however, are stored in the LOB table space 206. Accordingly, the only additional information disclosed to be stored in the Lyle patent are the keys 214, which are stored separately from the LOBs (corresponding to the media files as considered by the Examiner).

Still further, as understood by Applicant, the Lyle patent at column 5, lines 2-6, discusses that “storing this information with [a] LOB low-level map page enables the index recovery system 124 to recover an index on an auxiliary table by reading only the LOB low-level space map pages, instead of all the pages in the LOB table space.” Accordingly, the information stored with the LOBs is used for recovering an index on an auxiliary table and there is no suggestion that the LOBs are damaged. Applicant, again, therefore, submits that the Lyle patent, as with the Pan et al. patent, does not teach or suggest many features of Applicant’s present invention, as recited in independent claims 47-49.

Still further, the Office Action, at page 8, acknowledges that the Pan et al. patent and the Lyle patent do not teach or suggest the features of Applicant’s present invention of a reconstructed file index replacing an index file associated with one or more media files. For this feature, the Examiner relies on the Nunally et al. patent, equating the term LOB (large objects) with the claimed media file. Applicant submits, however, that the Nunally et al. patent, as with the Pan et al. patent and the Lyle patent, does not teach or suggest salient features of Applicant’s present invention, as recited in independent claims 47-49.

Rather, the Nunally et al. patent discusses, at column 10, lines 46-51, that the “sequence is added to a positive result list (step 152) and the index information for the file is updated to indicate detection of the event (step 154).” That is, the event-related data shown at 104 in FIG. 5 is updated to indicate detection of the event, as well as the confidence factor applicable to the

event detection decision. Applicant submits, therefore, that in the Nunally et al. patent, the index information in a file is updated. Applicant submits, however, that updating index information in the manner of the Nunally et al. patent is completely different from Applicant's present invention, as recited in independent claims 47-49, in which an associated index file is replaced by a reconstructed index file.


The Examiner refers to the Bratton et al. publication for teaching "non-standard information." The Examiner relies on the Otsuka et al. patent for teaching an index file being configured in accordance with a particular file format. The Examiner relies on the Abbott et al. patent for teaching that an index file contains a track referencing at least a media file. The Examiner relies on the Gutfreund et al. patent for teaching inserting one or more empty samples into a media file to compensate for any missed samples. Applicant submits, however, that none of the Bratton et al. patent, the Otsuka et al. patent, the Abbott et al. patent or the Gutfreund et al. patent cures the deficiencies noted above with respect to the Pan et al. patent, the Lyle patent, and the Nunally et al. patent, as discussed above.

For the foregoing reasons, Applicant submits that the present invention, as recited in independent claims 47-49, is patentably defined over the art of record, whether that art is considered individually or in combination.

Applicant requests favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early notice of allowance.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", is written over a horizontal line.

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